

**EXPLANATORY MEMORANDUM TO
THE RESTRICTIVE MEASURES (AMENDMENT) (OVERSEAS TERRITORIES)
ORDER 2012**

2012 No. 362

1. This explanatory memorandum has been prepared by the Foreign and Commonwealth Office and is laid before Parliament by Command of Her Majesty.

2. Purpose of the instrument

This Order amends the Instruments listed in Schedules 1 – 3 (all of which concern restrictive measures) so that they use the correct, current name of the British overseas territory of St Helena, Ascension and Tristan da Cunha.

It also revokes the Instruments listed in Schedule 4 which have ceased to have effect.

3. Matters of special interest to the Joint Committee on Statutory Instruments

None. The Order will be made at the Privy Council meeting on 15th February 2012 and laid before Parliament on the following day. The Order will come into force on 8th March 2012.

4. Legislative Context

4.1 This Order is made under section 112 of the St Helena Act 1883, the British Settlement Acts 1887 and 1945, section 1 of the United Nations Act 1946 and section 16(5) of the Export Control Act 2002, which are the legal bases for the statutory instruments it amends.

4.2 The instruments this Order amends / revokes implement restrictive measures in the Overseas Territories. This Order amends the instruments listed in Schedules 1 – 3 to the Order so that they use the correct, current name of the British Overseas Territory of St Helena, Ascension and Tristan da Cunha.

4.3 This Order revokes the instruments listed in Schedule 4 to the Order either because they have ceased to have effect due to the cancellation of the UN Security Council resolutions being implemented, or because the UN Security Council resolutions have been implemented in other instruments.

5. Territorial Extent and Application

Each amendment made by this Order has the same extent as the instrument being amended.

6. European Convention on Human Rights

This Order is made under statutory powers and under the Royal Prerogative and although laid is not subject to any Parliamentary procedure. As the instrument is not subject to Parliamentary procedure and does not amend primary legislation, no statement is required.

7. Policy background

- *What is being done and why*

7.1 The Order is being made to bring up to date various Orders in Council relating to restrictive measures so that they refer to the territory of St Helena, Ascension and Tristan da Cunha by its correct, current name.

7.2 The Order also revokes a number of Orders in Council relating to restrictive measures which have ceased to have effect due to the cancellation by the United Nations Security Council of the resolutions implemented by those Orders. The Orders being revoked are: The Serbia and Montenegro (United Nations Sanctions) (Dependent Territories) Order 1992; The Libya (United Nations Sanctions) (Dependent Territories) Order 1993; The Haiti (United Nations Sanctions) (Dependent Territories) Order 1994; and The United Nations Arms Embargoes (Dependent Territories) Order 1995.

- *Consolidation*

7.3 No consolidation of the relevant legislation is considered necessary.

8. Consultation

The Overseas Territories to which the Order applies have been consulted on the Order.

9. Guidance

No guidance is required.

10. Impact

10.1 A Regulatory Impact Assessment has not been prepared for this instrument, as it has no impact on business, charities or voluntary bodies.

10.2 It has no impact on the public sector.

11. Regulating small business

The legislation being amended applies to small business but this instrument has no impact on small businesses.

12. Monitoring & review

None required.

13. Contact

David Kinna at the Foreign and Commonwealth Office, Tel: 020 7008 3583 or email: david.kinna@fco.gov.uk can answer any queries regarding the instrument.